

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

KENNETH SMITH, :  
Complainant, : Case No. 07-0853-WS-CSS  
v. :  
AQUA OHIO, INC. :  
Respondent. :

ANSWER TO COMPLAINT

Aqua Ohio, Inc., (hereinafter "Aqua"), by and through counsel, hereby answers the complaint filed against it by Kenneth Smith (hereinafter "Customer") in the above-captioned case.

FIRST DEFENSE

1. On May 9, 2007, in PUCO Case No. 07-0564-WW-AIR, Aqua filed an application to increase rates in its Lake Erie Division.
2. The Customer is customer of Aqua's Lake Erie Division, and as such, may be subject to an increase in his rates as applied for by Aqua in PUCO Case No. 07-0564-WW-AIR, if such increase is approved by the Commission.
3. To date, Aqua has not increased Customer's rates and Aqua cannot do so unless and until such request for a rate increase has been approved by the Commission.
4. Customer's complaint pertains to Aqua's pending application to increase rates in its Lake Erie Division as Aqua has not altered Customer's rates, and does not have authority to alter rates, without Commission approval.

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5. Customer will have an opportunity to object to and submit evidence opposing Aqua's rate increase at the appropriate time and in the appropriate manner in Case No. 07-564-WW-AIR.
6. That Customer's complaint is more properly comments to Aqua's pending rate case in PUCO Case No. 07-0564-WW-AIR than a separate complaint case against Aqua and as such the complaint action should be dismissed and Customer's comments filed in PUCO Case No. 7-564-WW-AIR.

SECOND DEFENSE

7. The Complaint must be dismissed for failure to state a claim.

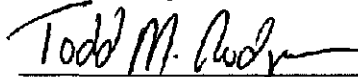
THIRD DEFENSE

8. The Complaint fails to state a reasonable ground for proceeding to hearing as required by the provisions of Ohio Revised Code Section 4905.26

DEMAND FOR RELIEF

WHEREFORE, Aqua request that the complaint be dismissed with prejudice and that the Customer's comments be filed in and as a part of the Aqua's Lake Erie Rate Case, PUCO Case No. 07-0564 WW-AIR and that Aqua be awarded any further relief, legal or equitable, to which Aqua may be entitled.

Respectfully submitted,



Todd M. Rodgers (0061554)

CHESTER, WILLCOX & SAXBE, LLP

65 E. State Street, Suite 1000

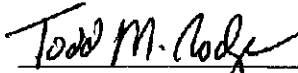
Columbus, Ohio 43215

Phone No. 614-221-4000

Attorneys for Respondent  
Aqua Ohio, Inc.

**CERTIFICATE OF SERVICE**

A copy of Respondent Aqua Ohio, Inc.'s Answer to the Complaint was served, via prepaid U.S. regular mail, upon the parties at the addresses listed below on the 31<sup>st</sup> day of ~~August~~ <sup>July</sup> 2007.

  
\_\_\_\_\_  
Todd M. Rodgers

Kenneth Smith  
664 Seneca Drive  
Montpelier, Ohio 43543

Complainant

ND: 4820-5494-8353, v. 1